

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANYTHING TO RENT LEASE	:	No. 4:16-cv-00895
WHOLESALE, INC., CARL SCHULTZ :	:	
and CARL SCHULTZ d/b/a	:	(Judge Brann)
VALLEY BEVERAGE,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
HUGHESVILLE BOROUGH and	:	
HUGHESVILLE BOROUGH	:	
AUTHORITY,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 24th day of February, 2017, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss, ECF No. 8, is **GRANTED IN PART AND DENIED IN PART**, consistent with the following:
 - a. The Motion to Dismiss is **DENIED** as to Plaintiffs' Negligence Claims (Counts XIII through XVIII).
 - b. The Motion to Dismiss is **DENIED** as to Plaintiffs' Trespass Claims (Counts VII through XII).

- c. The Motion to Dismiss is **GRANTED WITH PREJUDICE** as to Plaintiffs' Federal Equal Protection Claims (Counts I through VI).
 - d. The Motion to Dismiss is **GRANTED WITHOUT PREJUDICE** as to Plaintiffs' Punitive Damage Claims.
- 2. This case is **REMANDED** to the Court of Common Pleas of Lycoming County, Pennsylvania.
 - 3. The Clerk of Court is directed to forward a copy of this Order and the accompanying Memorandum to the Clerk's Office for the Court of Common Pleas of Lycoming County and to close this case.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge